

REMARKS

In the Office Action mailed May 28, 2009 the Office noted that claims 1-13 were pending and rejected claims 1-13. Claim 1 has been amended, claims 12 and 13 have been canceled, claim 14 is new, and, thus, in view of the foregoing claims 1-11 and 14 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

EXAMINER INTERVIEW

The undersigned wishes to thank the Examiner for meeting and interviewing this matter on July 23, 2009.

REJECTIONS under 35 U.S.C. § 102

Claims 1-2, 10, 12 and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hornick, U.S. Patent No. 5,255,184. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

Hornick discusses an itinerary as a group of legs (it may be a single leg) between an origin and a destination. Each itinerary comprises fare classes. A booking limit is assigned to each fare class for a given itinerary. Booking limits are not static and this confers the airline the ability to maximize its revenue. For example, if the demand is high for an itinerary/class pair having high revenue yield, then

the booking limits for this pair will be increased and the booking limits of less profitable pairs will be reduced. See Hornick col. 5, lines 2-8, wherein it states "The seat inventory control system 5 processes the flight network database 6 to assign seats in a particular flight leg to one or more itinerary/fare class combination."

Claim 1 has been amended to recite "wherein the given transport service between said two locations is a single leg of a journey separate from an aggregate of multiple legs of the journey." Support for the amendment may be found, for example, in ¶ 0045 of the printed publication version of the Specification. The Applicants submit that no new matter is believed to have been added by the amendment of claim 1.

On page 34 of the Office Action, the Office asserts that Hornick col. 5, lines 2-11 teaches "at least one other class of service (k') of another transport service (F_j) between said two locations is selected," as in claim 1.

However, Hornick, col. 5, lines 2-11 states

The flight network database 6 specifies a plurality of flight legs, a plurality of **itineraries (including which flight legs are used therein)**, one or more fare classes for each itinerary, a known seat capacity for each flight leg, a known demand distribution for each itinerary/fare class combination, a known revenue yield for a seat reserved within each itinerary/fare class combination, and a booking limit for each itinerary/fare class combination. The seat inventory control system 5 processes the flight network database 6 to assign seats in a particular flight leg to one or more itinerary/fare class combinations in the flight network database 6. [Emphasis added]

Thus, it is clear that Hornick considers the transport service to be the aggregate of the multiple legs, not the single leg of a multiple journey as the itinerary is the aggregate of the legs.

Therefore, as the claim has been amended to recite that the transport service is a single leg of a journey separate from an aggregate of multiple legs, Hornick cannot disclose at least one other class of service (k') of another transport service (F₂) between said two locations is selected.

Therefore, for at least the reasons discussed above, claim 1 and the claims dependent therefrom are not anticipated by Hornick.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 3-9 and 11 stand rejected under 35 U.S.C. § 103(a) as being obvious over Hornick in view of Talluri, U.S. Patent No. 6,263,315. The Applicants respectfully disagree and traverse the rejection with an argument.

Talluri discusses bid prices as a method to accept or reject reservation requests according to pre-set values. As discussed in Talluri booking limits are adjusted to the capacity conditions of the leg considered as an unique and separate entity (no calculation is linked to other legs). See Talluri col. 2, lines 36-48.

Thus, Talluri is directed to revenue management system like Hornick but it relates to a bid price technique and not the booking limits technique of Hornick. The teachings of Hornick and Talluri are therefore not easily combinable because they relate to two distinct solutions for optimizing revenues.

In Talluri the Office again associates seat sharing between itineraries and the invention. However, in Talluri col. 1 through col. 2, the process is identical to the one described in more details in Hornick: starting from the flight capacity (see parameter "c" in col. 1 line 65), the system assigns the seats to itinerary/fare class combinations to define booking limits for each itinerary/fare class combination. This assignment is made according to revenue optimization parameters. This is still a sharing of seats between itineraries.

Talluri fails to disclose a boundary transfer value (SP max) as in claim 3 as Talluri fails to disclose a transfer of seat availability. Talluri col. 2 lines 10-14 only discloses sharing seats between itinerary/fare class combination by setting booking limits. Booking limits are numbers of seats is available for reservation for a given itinerary/fare class combination but are not numbers of seats transferable from one flight to another to increase the overall number of available seats.

Therefore, Talluri does not anticipate the feature of claim 3 and claim 3 does not derive from the teachings of Hornick and Talluri.

The same applies *mutatis mutandis* for claims 4 to 9 which comprise additional features about the manner the transfer of capacity is done. Talluri does not disclose any transfer of capacity between flight having the same origin and destination. Talluri only discloses sharing the capacity of one flight between itinerary/fare class combinations.

Therefore, for at least the reasons discussed above, Hornick and Talluri, taken separately or in combination, fail to render obvious the features of claim 3-9 and 11.

Withdrawal of the rejection is respectfully requested.

NEW CLAIM

Claim 14 is new. Support for claim 14 may be found, for example, in claim 1 and ¶ 0045 of the printed publication version of the Specification. The Applicants submit that no new matter is believed to have been added by the addition of claims 14. The prior art fails to disclose the given transport service between said two locations is a journey consisting only of a single leg.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 102 and 103. It is also submitted that claims 1-11 and 14 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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